

APPROVED

MARK FRASER
Chairman

JOHN MAXWELL
Vice Chair

TOWN OF CARMEL **ZONING BOARD OF APPEALS**



60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 • Fax (845) 628-6836
www.carmelny.org

MIKE CARNAZZA
*Director of Codes
Enforcement*

BOARD MEMBERS
ROSE FRABIANO
ROGER GARCIA
SILVIO BALZANO
PHILIP AGLIETTI
CRAIG R. PAEPRER

ZONING BOARD OF APPEAL MINUTES

March 29, 2012

PRESENT: MARK FRASER, CHAIRMAN, JOHN MAXWELL, VICE CHAIR, ROSE FABIANO, ROGER GARCIA, SILVIO BALZANO, PHILIP AGLIETTI & CRAIG PAEPRER

ABSENT:

| <u>APPLICANT</u> | <u>TAX MAP #</u> | <u>PAGE</u> | <u>ACTION OF THE BOARD</u> |
|--|-------------------------|--------------------|-----------------------------------|
| Scott Nygard | 75-16-1-22 | 1 | Held over |
| Mac Donald Marine/Power Repairs | 76.20-1-13 | 1 | Approved |
| Lara Reality | 65.7-1-7 | 2 | Held over |
| Kristen Simon | 74.12-1-12 | 2 | Approved |
| Hudson Valley Federal Credit Union | 55.11-1-42 | 2-3 | Approved |
| Stanislaw W. Barbiarz & Ewa Babiarz | 75.59-1-19 | 3-4 | Approved |
| Minutes - 2/23/2012 | | | Approved |

The meeting was adjourned at 8:22 p.m.

Respectfully submitted,
Donna Esteves

Chairman Mark Fraser welcomed the two new board members, Mr. Craig Paeprer and Mr. Philip Aglietti and thanked Lorraine Mariani for the many dedicated years of service to the Zoning Board of Appeals.

Application of Scott Nygard, for an Interpretation that his home is a two-family residence. The property is located at 427 Route 6, Mahopac and is known by Tax Map #75.16-1-22.

Mr. Maxwell recused himself from this application and left the podium.

Mr. Nygard was sworn in.

Chairman Fraser noted that Mr. Alan Simone signed and submitted an affidavit that he has personal knowledge that the apartment existed. Mr. Fraser stated that he knows that Mr. Simone was not born in 1955 so it can only be here say that the apartment existed, and would feel more comfortable getting a signed affidavit by someone who was alive at the time.

Mr. Balzano made a motion to hold the application over. Mrs. Fabiano seconded the motion with all in favor.

Application of MacDonald Marine/Power Repairs, for an Interpretation of Section 156-15. The application is to interpret if the previous Interpretation stands if electric service is provided to the building for lights and security system. The property is located at 681 Union Valley Rd, Mahopac and is known by Tax Map #76.20-1-13.

Mr. Maxwell recused himself from this application.

Mr. MacDonald was sworn in.

Mr. Fraser stated that the applicant was before the board last month and that the attorney for the applicant stated in error that the facility would not need electric. The applicant would like to remove that stipulation and request that electric be allowed. Electric was required by the Planning Board and it is already on the site plan.

Mr. Garcia commented that he would like to see a limit on the capacity of electricity allowed to deter additional usage on the building for other than storage and light maintenance only.

Mr. Fraser asked if anyone in the audience would like to speak on this application.

Mr. Balzano made a motion to close the public hearing. Mrs. Fabiano seconded the motion with all in favor.

DECISION OF THE BOARD

Mrs. Fabiano moved to grant. Mr. Balzano seconded the motion with all in favor.

Application of Lara Realty, LLC for an Interpretation of Section 156.57. The applicant seeks an interpretation that the use variance for auto body repair granted in 1983 remains in place except that #1, 2 and 3 restricting the variance to the owners are legally invalid. The property is located at 18 Frances Kiernan Place, Carmel and is known by Tax Map#65.7-1-7.

Chairman Fraser stated that the attorney requested to hold the application over.

Mr. Balzano made a motion to hold the application over. Mrs. Fabiano seconded the motion with all in favor.

Application of Kristen Simon, for a Variation of Section 156-47A (1) for an extension of a non-conforming use to convert 1 bathroom for the handicapped. The property is located at 115 Secor Rd and is known by Tax Map #74.12-1-12.

| CODE REQUIRES | WILL EXIST | VARIANCE REQUIRED |
|--------------------------------------|-----------------------------------|-----------------------------------|
| No expansion of a non-conforming use | Expansion of a non-conforming use | Expansion of a non-conforming use |

Mr. Maxwell returned to the podium.

Mr. Greenberg was sworn in. He stated that this is an expansion of a pre-existing non-conforming use. The two things they are doing are (1) change the existing bathroom to a handicap bathroom and (2) make an entrance in the back for their storage area.

Mr. Fraser asked if anyone in the audience would like to speak on this application.

Mr. Balzano made a motion to close the public hearing. Mr. Maxwell seconded the motion with all in favor.

DECISION OF THE BOARD

Mr. Garcia made a motion to grant for purposes of discussion. Mr. Balzano seconded the motion.

Mr. Garcia voiced concerns about the shed on the property. However, it is noted that the shed is not a part of this application and is subject to violation by the Building Inspector.

Mrs. Fabiano moved to grant. Mr. Balzano seconded the motion with all in favor.

Application of Hudson Valley Federal Credit Union, for Variation of Sections 156-42A-1 (off street parking and loading), Signs 156-41C.9b, and Front Setback 156A Schedule District Reg. for permission to reduce the building setback, reduce parking size and sign size. The property is located at the corner of Stoneleigh Avenue and Terrace Drive and is known as Tax Map #55.11-1-42.

| Code Requires | Will Exist | Variance Required |
|--------------------------------|-------------------------------------|-------------------------------------|
| 10'x20' Parking Stall Size | Reduced parking stall size 9'x18' | 1' Reduction in width & 2' in depth |
| Front Building Setback | 42.73' Setback(Terrace Dr) | 7.27' Front Building Setback |
| 16 sf per side, 32 sf in total | 34 sf per side, 68 sf of total sign | +36 sf of total site signage |

Mr. Contelmo and Mr. Keating were sworn in. They stated that they are representing the applicant and they are proposing a 5400 sq. ft. building on the site. They are proposing to construct a prototype building and were referred to Zoning Board by the Planning Board for the three variances listed above.

Mr. Fraser stated that as far as parking is concerned, the applicant could comply with code but that it wouldn't meet the applicant's needs. Mr. Contelmo agreed.

Mr. Fraser asked if the applicant was asking for a larger sign for more visibility from Rt. 6 and Mr. Contelmo answered yes. Mr. Maxwell commented that he feels that the sign variance is substantial and would like to see it reduced a bit. He feels that with a reduction you will still maintain your visibility. The other board members agree with Mr. Maxwell. The board would like to compromise. Mr. Contelmo commented that the credit union would be willing to reduce the size of the sign to 48 sq. ft.

Mr. Fraser asked if members of the audience would like to speak. Mr. Carnow addressed the board and was sworn in. He commented that he is a resident of the Retreat at Carmel and there are concerns with regard to the location of the sign. Mr. Frasers responded that those concerns should go before the Planning Board during the public hearing.

Mr. Maxwell made a motion to close the public hearing. Mr. Balzano seconded the motion with all in favor.

DECISION OF THE BOARD

Mrs. Fabiano moved to grant with the condition that the sign be reduced to 48 sq. ft. Mr. Maxwell seconded the motion with all in favor.

Application of Stanislaw W. Babiarz & Ewa Babiarz for a Variation of Section 156.15 for permission to retain the shed, pool and decks. The property is located at 96 Ellen Ave and is known by Tax Map #75.59-1-19.

| Code Requires | Will Exist | Variance Required |
|---------------------|------------|-------------------|
| Deck (west) 15 side | 2.2' | 12.8' |
| Deck (east) 15' | 8.3' | 6.7' |

| | | |
|----------------|-----|-----|
| Shed 25' Front | 15' | 10' |
| Shed 10' Side | 0 | 10' |

Mr. Stanislaw Babiarz was sworn in. He stated that he is seeking permission to retain the existing pool shed and deck.

Mr. Fraser asked if the applicant would be willing to remove the walls and roof of the existing carport as a condition of the requested variance prior to the issuance of the CO. The applicant agreed.

DECISION OF THE BOARD

Mr. Balzano moved to grant with the stipulation that the walls and roof be removed from the existing carport, and that *only* the existing shed can remain. If that shed is ever removed, it will be necessary to obtain a variance. Mr. Maxwell seconded the motion with all in favor.

Minutes - 2/23/12

Mr. Garcia moved to accept. Mr. Maxwell seconded the motion with all in favor except Mrs. Fabiano, Mr Aglietti and Mr. Paepre who were not present for that meeting.

The meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Donna Esteves